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*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE FASHION EXCHANGE LLC,

Plaintiffs,

-against-

HYBRID PROMOTIONS, LLC, et al.,

Defendants.

Civil Action No. 14-cv-01254 (SHS)

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE**, that upon the accompanying Declaration of Mark J. Rosenberg, dated September 28, 2015, including all the exhibits annexed thereto; Declaration of Jarrod Dogan, dated September 28, 2015, including all the exhibits annexed thereto; Defendants' Memorandum of Law in Support of Its Motion for Summary Judgment, dated September 28, 2015; Defendants' Local Rule 56.1 Statement of Undisputed Facts, dated September 28, 2015; Defendants Hybrid Promotions, LLC ("Hybrid"), Jarrod Dogan, Gavin Dogan and Jeff Caldwell (collectively, the "Hybrid Defendants") will move this Court before the Honorable Sidney H. Stein, at the United States District Courthouse, Southern District of New York, 500 Pearl Street, New York, New York 10007, on a date and time to be designated by the Court, for an Order,

pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting summary judgment in favor of the Defendants, (i) barring Plaintiff's claims on the grounds of laches, (ii) deeming that Hybrid's rights in its HYBRID marks are superior to Plaintiff's rights in the Asserted Marks or in the alternative, that Plaintiff, as a matter of law, cannot establish superior trademark rights, and (iii) dismissing Plaintiff's claims against all of the Defendants, along with such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
September 28, 2015

**TARTER KRINSKY & DROGIN LLP**

By: /s/ Mark J. Rosenberg  
Mark J. Rosenberg  
Debra Bodian Bernstein  
Christopher M. Tumulty